

the local school district or responsible agency will pay the fee for the independent evaluation up to the maximum established. Additionally, the policy will anticipate that a student's "unique circumstances" may justify an evaluation that exceeds the allowable cost criteria.

- F. that if the local school district or responsible agency has no policy which sets maximum allowable charges for specific tests or types of evaluation, then the parents will be reimbursed for services rendered by a qualified evaluator.
- G. except for the location of the evaluation and the qualifications of the examiner, a local school district or public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.  
**These criteria for IEEs at public expense must apply equally to the local school district's or public agency's own evaluations and exceptions for unique circumstances must be considered.**
- H. that the results of an independent evaluation obtained by the parents at private expense:
  - 1) will be considered by the local school district or responsible public agency in any decision made with respect to the provisions of a free appropriate public education to the student; and,
  - 2) may be presented as evidence at a hearing under this subpart regarding that student.
- I. that the cost of an independent evaluation will be at public expense if a hearing officer requests an independent educational evaluation as part of a hearing.

### **3. WRITTEN NOTICE**

Written notice must be given to parents a reasonable time before the local school district or responsible public agency initiates or changes the identification, evaluation, educational placement, or the provision of a free appropriate public education of the student or refuses to initiate or change the identification, evaluation, educational placement, or the provision of a free appropriate public education of the student. If the notice relates to an action proposed that also requires parent consent, the agency may give notice at the same time it requests parent consent. The notice must be written in language understandable to the general public and provided in the native language of the parents or other mode of communication used by the parents, unless it is clearly not feasible to do so.

If the native language or other mode of communication of the parents is not a written language, the district shall ensure the following:

- A. that the notice is translated orally or by other means to the parents in their native language or other mode of communication;
- B. that the parents understand the content of the notice; and,
- C. that there is written evidence that those requirements have been met.

#### Content of Notice

The written notice sent to parents by the local school district or responsible public agency must contain the following:

- A. a description of the action proposed or refused by the agency;
- B. an explanation of why the agency proposes or refuses to take the action;